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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,465	07/24/2003	Damian G. Bonicatto	11838.0057-US-01	1276
23552	7590	03/28/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			HUANG, SIHONG	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/626,465	Applicant(s) BONICATTO ET AL.	
	Examiner Sihong Huang	Art Unit 2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over van der Kaay et al. (US Pat. No. 6,393,126 B1) in view of Wachob et al. (US Pat. No. 5,334,975).

Van der Kaay et al disclosed a system for data communication with an endpoint transceiver (Figs. 2 and 4 clearly show bi-directional communications) located at customer premise (208), the system comprising: a time server (Trusted Master Clock (TMC), 204) in electrical communication with the transceiver (Figs. 2 and 4 clearly show the application end provides bi-directional communication, therefore, there must be a transceiver), the time server configured to retrieve the time (e.g., time from National Timing Authority (NTA)); a substation controller (Trusted Local Clock (TLC), 106) which includes a transceiver (Figs. 2 and 4 also clearly show that the local clock station 106 provides two way communication, therefore, there must be a transceiver) and a programmable circuit (col. 9, lines 30-65) that includes a substation clock (e.g., timing engine), the programmable circuit programmed to periodically retrieve the time (col. 8, lines 25-28 and col. 15, lines 19-21) from the time server (MTC 204) to calibrate the substation clock to the retrieved time (col. 6, lines 50-52 and 57-63 and col. 7, lines 35-40); and to control the transceiver to transmit the time to the point transceiver (col. 9, lines 31-36).

Van der Kaay et al differ from claim 1 of the present invention in that Van der Kaay et al do not disclose that the distribution of the retrieve time is done via power lines or power network. However, as taught by Wachob et al, global time reference can be communicated or distributed to residential household appliances via telephone line, wireless system, coaxial cable, fiber cable or power lines (col. 3, lines 20-60). Based on this teaching, it would have been obvious to a person having ordinary skill in the art at the time of the invention to use any type of distribution system including the power line as taught by Wachob et al in order to distribute accurate global reference times to appliance or application at the residential household.

Regarding claims 2 and 3, the system of Van der Kaay et al is use for time adjustment (col. 8, lines 25-35). As clearly shown in Fig. 4, many different local clock servers or hosts 106, therefore, they inherently can be located in different geographic region for adjusting time zone.

Regarding claim 4, examiner takes Official notice that adjusting the time for daylight saving is extremely well known and would have been an obvious modification to the combination of Van de Kaay et al and Wachob et al in order to accurately adjust time due to different geographic regions.

Regarding claim 5, the time retrieved by the time server of Van der Kaay et al is Universal Time Coordinate UTC (col. 6, lines 12-14).

Regarding claim 6, Van der Kaay et al further disclosed that the time can be retrieved from the global positioning system (col. 3, lines 44-46).

Regarding claim 7, Van der Kaay et al disclosed that the time can be retrieved from an atomic clock (col. 4, lines 4-5), and as disclosed above, Wachob et al teach reference time can be transmitted via a wireless (radio) system.

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Regarding claim 8, as disclosed by Van der Kaay et al, the upper clock is use for periodically calibrating and certifying the lower clock. Whether it does in every few second, minutes or hours is merely depending on the need of the accuracy of the application or device. Therefore, it would have been obvious to do it more frequent in order to have a more accurate time.

Regarding claim 9, as disclosed by Van der Kaay et al (col. 10, lines 5-43), the application 208 calibrates the clock to the retrieved time stamp and operates under programmable layers. Therefore, the endpoint is programmable.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wang (CN 1278678 A), Hunt (US Pat. No. 6,154,488), Litwin, Jr. et al. (US Pub. No. 2002/0140547 A1) and Schwarzbach et al. (US Pat. No. 4,418,333) are cited to show transmission of time clock signal over power line.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sihong Huang whose telephone number is 571-272-2958. The examiner can normally be reached on Mon, Thu & Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sihong Huang
March 19, 2005

A handwritten signature in black ink, consisting of stylized, overlapping loops and strokes, positioned to the right of the typed name and date.